IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

Bail Appl..No. 6453 of 2006

CRMP.2801/2006 of DISTRICT COURT, KASARAGOD
CRIME NO.125/2006 OF AMBALATHARA POLICE STATION

.....

PETITIONER/ACCUSED

A.SUBASH, S/O. SUKUMARAN,
ALAKKAL VEEDU, ENNAPPARA,
THAYANNUR VILLAGE.

BY ADV. SRI.M.THAMBAN
SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6453/2006

DATED THIS THE 1ST DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the second accused in crime No.125/2006 of Ambalathara Police Station, for the offence punishable under Sections 450 and 511 of 376 IPC together with Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. The prosecution alleges that in the early morning hours of 4.9.2006, the petitioner, the second accused, along with the first accused, had trespassed into the house of the defacto complainant, a married woman, who was living with her minor daughter, knowing that the husband of the woman was not there, and attempted to commit rape on the minor girl, who was then studying for S.S.L.C. Because of the commotion that was created during the attempt, they tried to escape. Certain documents in their possession, had fell down in the compound of the defacto complainant's house. On the

complaint of the mother of the girl, the defacto complainant, the police registered the case. The petitioner was arrested on 12.9.2006. The first accused is at large, even now. Hence this application.

3. I heard the arguments advanced by both sides. I am not inclined to keep the petitioner in judicial custody, till the arrest of the first accused. The medical examination of the petitioner is complete. The investigation in respect of this petitioner, the second accused, has also progressed much. Therefore, I grant bail and release the petitioner from jail, subject to the following conditions:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Hosdurg.
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> (b). The petitioner shall report before the Investigating Officer, once in a week on every Monday, between 10.00

a.m and 11.00 a.m., for a period of three months, starting from 6.11.2006, and thereafter, on the first working day of every month, between the same timings, till the filing of the final report, before the Court below.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs